

LEGAL REPRESENTATIVES OF LIEUTENANT FRANCIS
WARE.

[To accompany Bill H. R. No. 582.]

APRIL 6, 1860.

Mr. FERRY, from the Committee on Revolutionary Claims, made the following

REPORT.

The Committee on Revolutionary Claims, to whom was referred the petition of the legal representatives of Francis Ware, asking payment for a final settlement certificate which has been lost or destroyed, report:

That the case was examined at the 1st session of the 29th Congress by the Committee on Revolutionary Claims, and a report made thereon favorably, with a bill for the relief of the petitioner. That report the committee adopt, and ask that it may be considered and taken as a part of this. Said bill is again reported for the relief of the petitioner.

The Committee on Revolutionary Claims, to whom was referred the petition of the legal representatives of Francis Ware, asking payment for a final settlement certificate which has been lost or destroyed, report:

That they have examined the same, and herewith submit the certificate of Michael Nourse, Acting Register of the Treasury, in relation to this claim, and make it a part of this report.

TREASURY DEPARTMENT,
Register's Office, September 22, 1845.

It appears from the record of final settlement certificates, issued for pay of commutation by the commissioner on the revolutionary army accounts, that certificates were issued in favor of Francis Ware for \$1,868 $\frac{5}{10}$; one of which (No. 92816) for \$251 $\frac{10}{100}$, appears to be outstanding and unpaid.

MICHAEL NOURSE,
Acting Register.

From the above certificate, the committee are of the opinion it is satisfactorily shown that the certificate is outstanding and unpaid, and believe the petitioner is entitled to the payment of said certificate, with interest thereon; and, in conformity with the requirement of a precautionary bond of indemnity in such cases, report a bill providing for the payment of the said certificate, with interest thereon.

IN THE UNITED STATES COURT OF CLAIMS.

DISTRICT OF COLUMBIA, *Washington County* :

To the honorable the judges of the Court of Claims :

The petition of the heirs of Lieutenant Francis Ware, late of the army of the American revolution, would with respect represent to your honors, that in the year 1791, on a final settlement of accounts between the said Lieutenant Ware and the government of the United States, the said government fell in debt to the said Lieutenat Ware for pay of commutation in the sum of \$1,868 $\frac{6}{10}$ and that certificates were issued to the said Lieutenant Ware for the said amount of indebtedness, one certificate, No. 92816, for \$251 $\frac{1}{10}$, being still outstanding and unpaid, the sum being now due and payable your petitioners.

Petitioners would represent that on the 17th day of December, 1845, they memorialized the Congress of the United States for relief, and their memorial was referred to the Committee on Revolutionary Claims in the House of Representatives. On the 5th day of March, 1846, a bill was reported for their relief, but no final action had thereon. On the 22d day of December, 1847, their memorial was again referred to the same committee, and on the 8th February, 1848, the committee made the following report, accompanied by bill 186, for their relief :

FEBRUARY 8, 1848.—Mr. MORRIS, from the Committee on Revolutionary Claims, made the following report :

The Committee on Revolutionary Claims, to whom was referred the petition of the legal representatives of Francis Ware, asking payment for a final settlement certificate which has been lost or destroyed, report :

That the case was examined at the first session of the 29th Congress by the Committee on Revolutionary Claims, and a report made thereon favorably, with a bill for the relief of the petitioner. That report the committee adopt, and ask that it may be considered and taken as a part of this. Said bill is again reported for the relief of the petitioner.

The Committee on Revolutionary Claims, to whom was referred the petition of the legal representatives of Francis Ware, asking payment for a final settlement certificate which has been lost or destroyed, report:

That they have examined the same, and herewith submit the certificate of Michael Nourse, Acting Register of the Treasury, in relation to this claim, and make it a part of this report:

TREASURY DEPARTMENT,
Register's Office, September 22, 1845.

It appears from the record of final settlement certificates, issued for pay of commutation by the commissioner on the revolutionary army accounts, that certificates were issued in favor of Francis Ware for \$1,868 $\frac{6}{10}$; one of which, (No. 92816,) for \$251 $\frac{1}{10}$, appear to be outstanding and unpaid.

MICHAEL NOURSE, *Acting Register.*

From the above certificate, the committee are of the opinion it is satisfactorily shown that the certificate is outstanding and unpaid, and believe the petitioner is entitled to the payment of said certificate, with interest thereon; and, in conformity with the requirement of a precautionary bond of indemnity in such cases, report a bill providing for the payment of the said certificate, with interest thereon.

IN THE HOUSE OF REPRESENTATIVES, *February 8, 1848.*

Read twice, and committed to a Committee of the Whole House to-morrow.

Mr. MORRIS, from the Committee on Revolutionary Claims, reported the following bill:

A BILL for the relief of the legal representatives of Lieutenant Francis Ware.

Whereas it appears from the books in the Register's office of the Treasury Department that there is now outstanding and unpaid in favor Lieutenant Francis Ware, deceased, a final settlement certificate for commutation pay for the sum of two hundred and fifty-one dollars and ten cents, number ninety-two thousand eight hundred and sixteen: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That immediately after the ratification of this act the Secretary of the Treasury shall cause to be published for the space of two weeks, in two of the weekly papers of the city of Washington, a notice that he has been directed to pay said "final settlement certificate," and calling upon any person or persons, who may own said certificate, to produce it to him for payment; and if, at the expiration of three months from the date of said notice, no

person or persons shall present it for payment, it shall be the duty of the Secretary of the Treasury, out of any money in the treasury not otherwise appropriated, to pay the amount of said certificate number ninety-two thousand eight hundred and sixteen, with interest on the same, at the rate of three per centum, from January 1, 1791 to January 1, 1832, to the heir or heirs-at-law of said Lieutenant Francis Ware: *Provided, however*, That, before such payment shall be made, the said heir or heirs, as the case shall be, shall execute a bond payable to the United States, in double the amount to be paid, with two good and sufficient securities, conditioned to indemnify the government of the United States against the legal claim of any person or persons for the payment of said "final settlement certificate for commutation pay" alleged to be lost or destroyed.

This bill, however, failed to become a law for the want of final action thereon, and on the 11th March, 1850, the memorial was again referred to the same committee; which committee, on the 23d day of June, 1854, reported again the same bill reported on the 8th day of February, 1848; which bill passed the House of Representatives, and in the Senate was amended by substituting the word *approval* for that of *ratification* in the third line of the bill, and before this clerical correction or amendment could be agreed to in the House of Representatives the session of Congress closed and the bill again failed to become a law, and was referred by a resolution of the House to your honorable court.

Your petitioners pray that after due consideration of the facts herein alleged, your honors will report a bill for their relief, appropriating the sum necessary to pay off this outstanding certificate of indebtedness which has been lost or destroyed and cannot now be produced before the court, with legal interest thereon from the 1st day of January, 1791, till paid; and, as in duty bound, your petitioners will ever pray, &c.

ALEX. RAY,
Attorney for the heirs.

DISTRICT OF COLUMBIA, *Washington County*:

Personally appeared before the undersigned authority, a justice of the peace in and for said district and county, Alexander Ray, who, after being duly sworn, makes oath and says that the facts set forth in the foregoing petition are true, to the best of his knowledge and belief.

Subscribed and sworn to this — day of —, 1855.